



ZONING BOARD OF ADJUSTMENT & APPEALS

AGENDA REQUEST

AGENDA OF:	04/30/08	AGENDA REQUEST NO:	III B
INITIATED BY:	RUTH LOHMER, AICP, SENIOR PLANNER <i>RL</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	RUTH LOHMER, AICP, SENIOR PLANNER	ASSISTANT PLANNING DIRECTOR:	DOUGLAS P. SCHOMBURG, AICP <i>D.P.S.</i>
		ADDITIONAL DEPARTMENT HEAD (S):	N/A

SUBJECT / PROCEEDING:	SPECIAL EXCEPTION TO THE RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT REAR YARD SETBACK REQUIREMENT FOR 3607 ALCORN BEND DR IN ALCORN BEND SECTION TWO PUBLIC HEARING, CONSIDERATION AND ACTION
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EXHIBITS:	STAFF REPORT, VICINITY MAP, SITE PLAN, AERIAL PHOTOGRAPH, SITE PHOTOS, PLAT EXCERPT, APPLICATION, LETTER FROM APPLICANT, PUBLIC HEARING NOTICE
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CLEARANCES		APPROVAL	
LEGAL:	N/A	DIRECTOR OF PLANNING:	SABINE SOMERS-KUENZEL, AICP <i>AK</i>

RECOMMENDED ACTION

Approval of the requested Special Exception to allow the proposed addition in accordance with the attached site plan.

EXECUTIVE SUMMARY

This is a request for a Special Exception from the required rear yard setback in the Restricted Single-Family Residential (R-1R) District for property located at 3607 Alcorn Bend Dr in the Alcorn Bend Section Two subdivision. The property was platted in 1992 with a 15-foot rear setback according to the covenants and restrictions. When the property was annexed into the City of Sugar Land, R-1R zoning was applied to the subdivision, which requires a 30-foot rear yard setback. The owner has requested the Special Exception in order to construct an addition on the rear of the home, which would extend to approximately 19 feet from the rear property line. The existing home appears to meet the required 30-foot setback.

File No. P0009635
CC: William Jordan, bjordan@wt.net
Robin Jordan, rjordan@wt.net

EXHIBITS

STAFF REPORT

Request for a special exception to the Restricted Single-Family Residential (R-1R) district rear yard setback requirement for 3607 Alcorn Bend Dr in the Alcorn Bend subdivision.

Analysis of Special Exception- Four Development Code Criteria:

After the public hearing, the Board may, by concurrence of 75 percent of its members, grant a Special Exception to a residential setback required by Chapter 2 if the Board finds that:

Criterion One:

The latest recorded plat of the property was approved prior to being annexed into the City;

Plat recorded: 1992

Annexed: 1997

Criterion Two:

The latest recorded plat of the property establishes a setback or other recorded restriction that results in a setback that is less restrictive than the setback required by the City of Sugar Land Development Code (Chapter 2)

The recorded covenants and restrictions establish a 15-foot rear setback which served as the rear yard setback requirement during development. Chapter 2 (Zoning) requires a setback of 30 feet. The recorded restrictions for the property are less restrictive than the City of Sugar Land zoning requirements.

Criterion Three:

Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved plat or other recorded restriction; and

The Special Exception would allow a proposed addition within 19 feet of the rear property line, which does not establish a setback that is less restrictive than the approved plat or recorded restrictions (15 feet).

Criterion Four:

Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.

Staff has examined the proposed Special Exception for key aspects:

- **Public Safety Review:** There do not appear to be any public safety issues associated with this request. Staff has not identified any safety concerns as a result of the proposed addition.
- **Proposal and the Neighborhood – Rear Setback Comparison:** The proposed addition appears to be generally compatible with the neighborhood based on an analysis of the proposed use of the site and an examination of the surrounding area. One key observation from an analysis of nearby properties is that the majority do not comply with the minimum rear yard per the zoning regulations. This is due to the subdivision being developed and the homes being built prior to annexation and zoning. These residences were largely built in compliance with the plat and recorded restrictions, as opposed to the more restrictive zoning regulations.

Comparison of nearby properties:

- **3519 Alcorn Bend Dr**
Does not appear to comply w/ minimum rear yard per zoning
 - **3603 Alcorn Bend Dr**
Does not appear to comply w/ minimum rear yard per zoning
 - **3607 Alcorn Bend Dr (applicant)**
Does not appear to comply w/ minimum rear yard per zoning
 - **3611 Alcorn Bend Dr**
Does not appear to comply w/ minimum rear yard per zoning
 - **3615 Alcorn Bend Dr**
Appears to comply w/ minimum rear yard per zoning
 - **3703 Alcorn Bend Dr**
Appears to comply w/ minimum rear yard per zoning
 - **3707 Alcorn Bend Dr**
Does not appear to comply w/ minimum rear yard per zoning
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- **Proposal and the Neighborhood – General Architectural & Landscape Context:** If it is of concern to the Board, the proposed addition appears to be architecturally compatible with the neighborhood. The Board may request additional information, such as proposed building elevations, to tie to the granting of the special exception if necessary.

Conditions:

To ensure that the granting of a special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may, as part of its decision to grant a Special Exception:

- 1. Impose reasonable conditions or restrictions; and*
- 2. Grant a setback between the setback requested and the setback currently established in the residential zoning district.*

Public Hearing Notice

The Notice of Public Hearing was published in a newspaper of general circulation and on the City of Sugar Land's Internet Home Page. All property owners within 200 feet of the proposed site were notified and a courtesy sign was placed on site. Staff has received four informational inquiries regarding this request at the time of writing this report. At present, staff is not aware of any opposition to the proposed special exception.

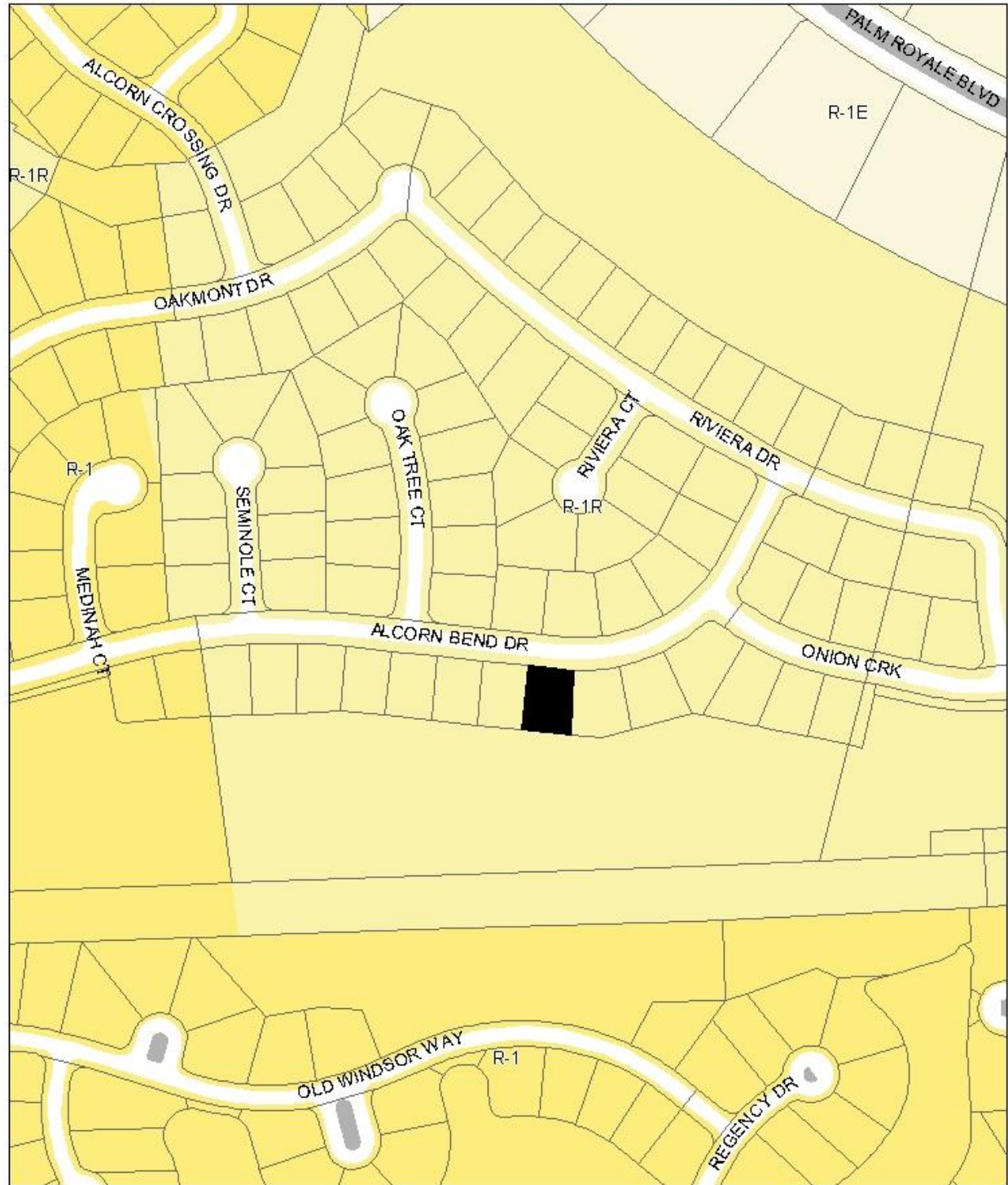
Staff Recommendation

Staff recommends that the Special Exception be approved subject to the following condition:

- Attachment of site plan to Special Exception showing proposal

VICINITY MAP

3607 ALCORN BEND DR

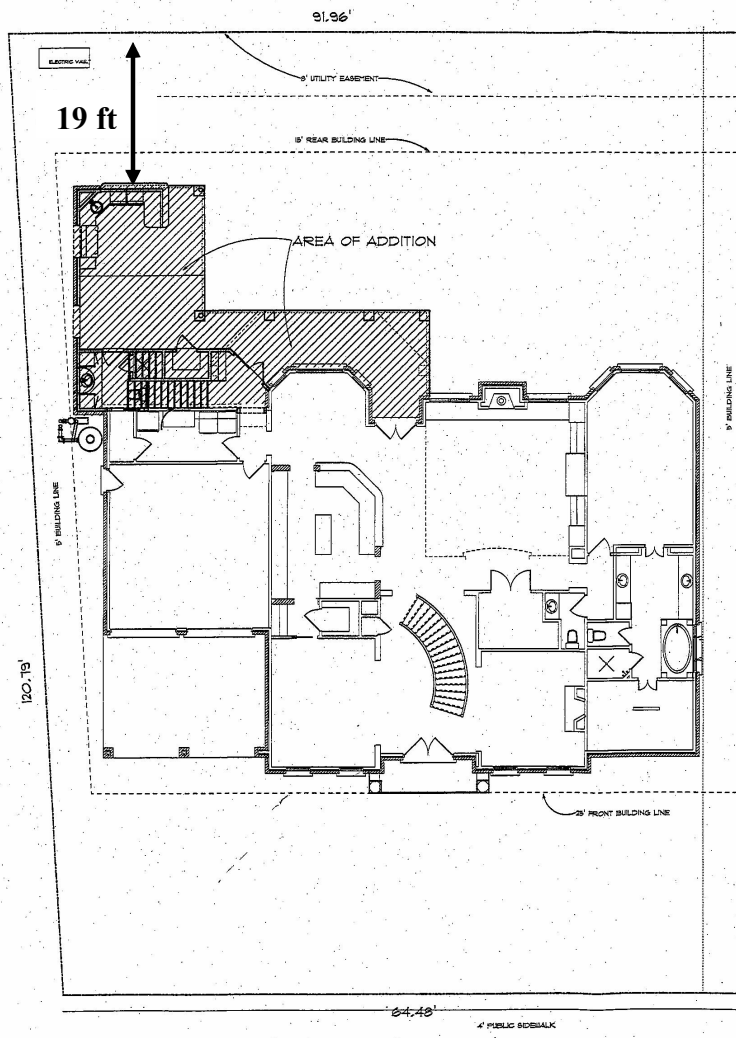


200

Feet



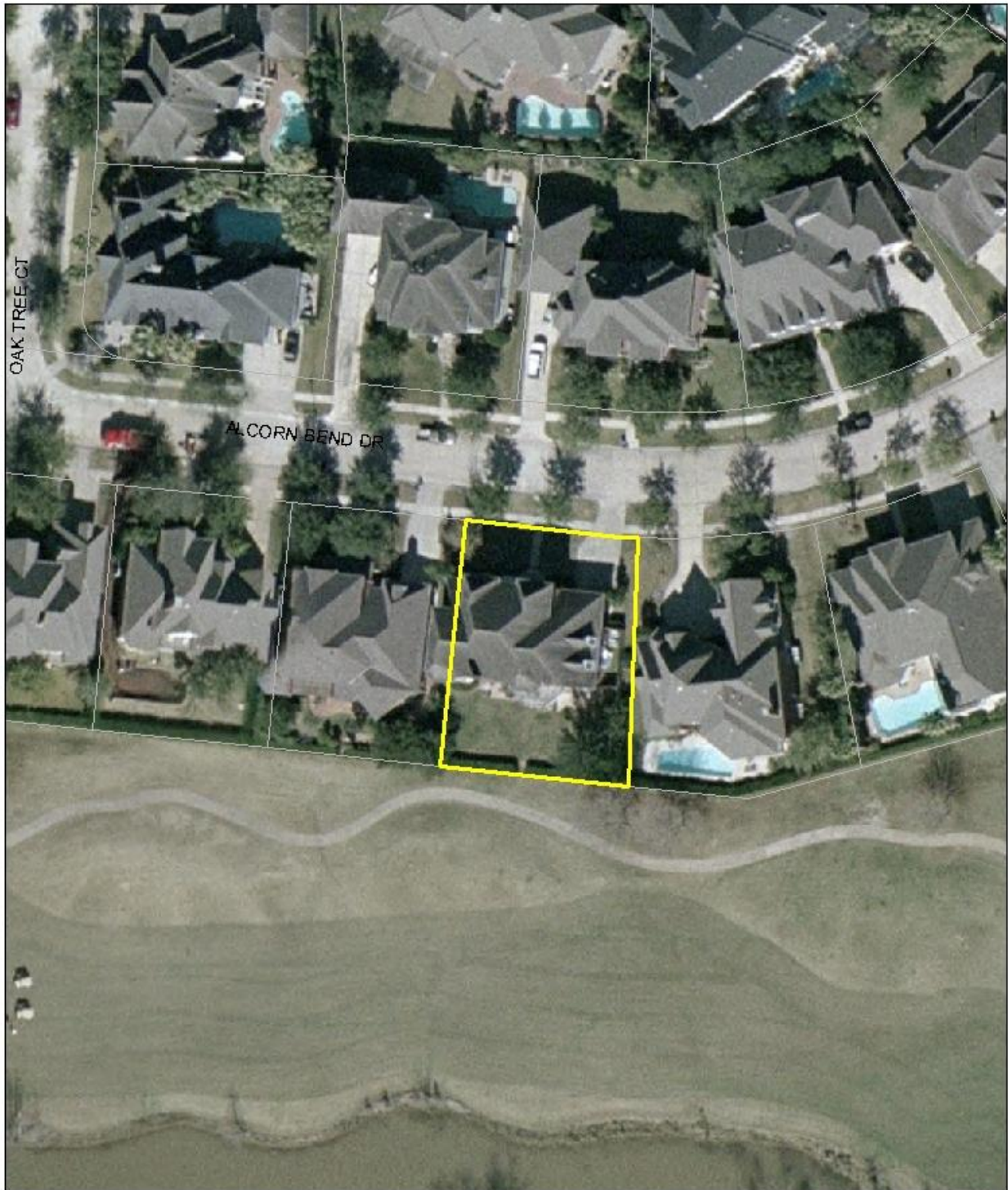
SITE PLAN



SITE PLAN
SCALE: 1/8" = 1'-0"
LOT 8
BLOCK 4
ALCORN BEND

AERIAL PHOTOGRAPH

3607 ALCORN BEND DR



50
Feet



SITE PHOTOS

Front of House:



Rear Yard View:



Rear Yard Side View:



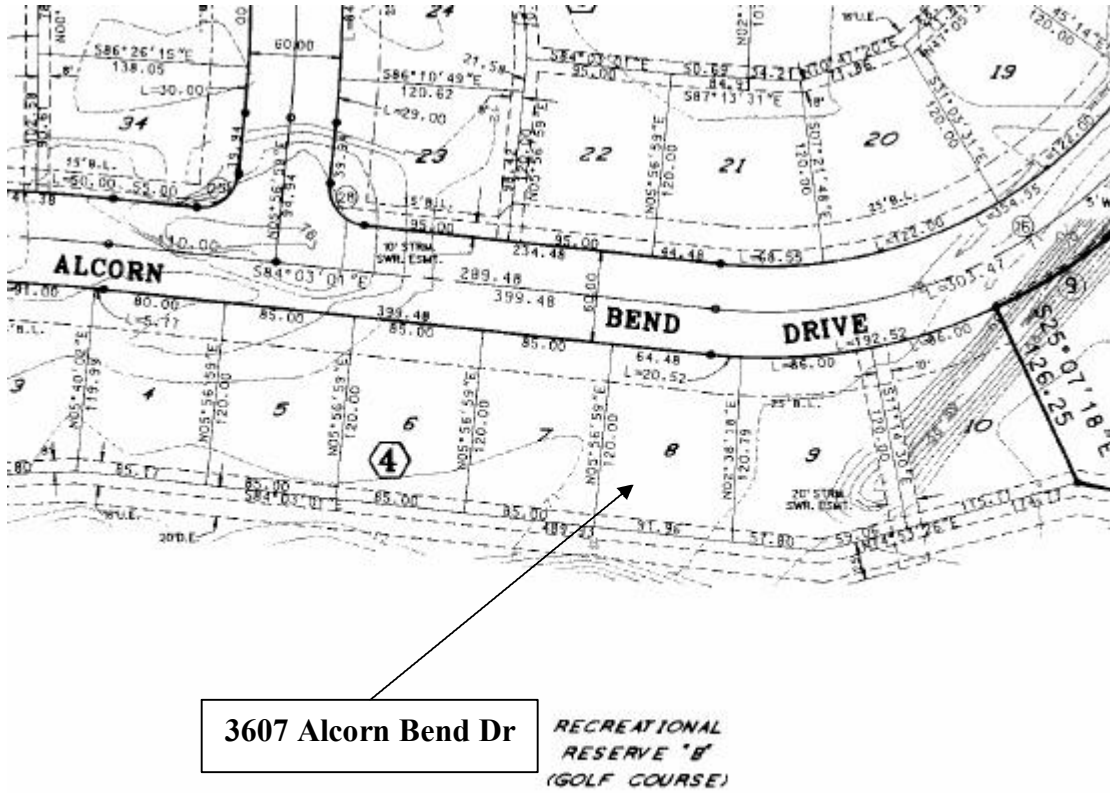
Rear Yard Side View:



Area of Proposed Addition:



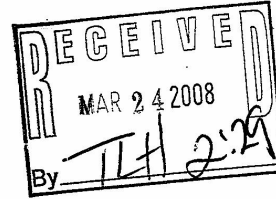
PLAT EXCERPT



ADDRESS: 3607 ALCORN BEND DR

**PROPERTY IS PLATTED AS:
LOT 8, BLOCK 4, ALCORN BEND SECTION TWO, RECORDED AS INSTRUMENT
NUMBER 9255547, IN SLIDE NUMBER 1206B AND 1207A, IN THE FORT BEND COUNTY
PLAT RECORDS
(RECORDED IN 1992)**

APPLICATION



FOR OFFICE USE
Accounting Code: ZC

CITY OF SUGAR LAND PLANNING DEPARTMENT

SPECIAL EXCEPTION REQUEST APPLICATION ZONING BOARD OF ADJUSTMENT

Please fill out the following information & return your submittal to the Planning Department

APPLICANT: William V. Jordan III
Address: 3607 ALCORN BEND DR. Sugar Land Tx 77479
Company: _____
Phone: 281-265-0593
Fax: SGM
Email: bjordan@wt.net

OWNER / AGENT:

Contact / Company: _____
Address: _____
Phone: _____
Fax: _____
Email: _____

Please provide the following additional information as required under the Development Code (Chapter 2, Article I, Part 6):

Address and legal description of the property: 3607 ALCORN BEND DR -
LOT 8, BLOCK 4 in ALCORN BEND, SECTION 2
Date the property became subject to the city's zoning or extraterritorial jurisdiction: 1997

Date the property was annexed into the City: 1997

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application. (Must be signed by property owner)

X [Signature] Date: 3-24-08
Signature of Applicant

SUBMITTAL REQUIREMENTS:

- TWO (2) copies of Application
- Submittal Fee: \$500 (non-refundable)
- Two (2) copies of site plan / plot plan (scaled/dimensioned drawing showing location of proposed building) at 11"x17" (8 1/2" x 11" is acceptable if drawing is legible)
- Copy of the recorded plat of the property
- Copy of the recorded covenants and restrictions for the property

Oper: CYNTHIAS Type: OC Drawer: 1
Date: 3/25/08 01 Receipt no: 140680
ZC 10 ZONING & COND 1 \$500.00
CK CHECK \$500.00
Total tendered \$500.00
Total payment \$500.00

Trans date: 3/24/08 Time: 14:26:20

LETTER FROM APPLICANT

To Whom It May Concern:

We would like to take this opportunity to explain the reasons why we are asking for a special exception to the R-1-R City of Sugar Land zoning restrictions be granted for our house located at 3607 Alcorn Bend Drive, Alcorn Bend subdivision section 2, block 4. We purchased the house in October 2005, and bought it with every intention of having a pool placed in the backyard. We knew that choosing a house on the golf course was inherent with risks associated with flying golf balls. After we had lived in the house for a few months, we knew all too well those risks, as we have now replaced 6 different broken windows! When we began to plan the pool, we knew it would not be safe to just put in the pool with no additional protection for those in the pool and sitting outside enjoying the pool. After many months discussing and planning, we felt we had achieved a plan that would include an addition to our house that would satisfy our concerns for safety as well as enhance our house and not distract from the beauty of the neighborhood. We submitted our plans to the First Colony Homeowner's Association and after completing their requested changes, along with obtaining written approval from neighbors on either side of our house, we were granted approval to proceed with construction. Both sets of neighbors were shown the plans. We were very careful that we did not interfere with their view of the golf course in any way. Only after submitting our plans for permitting, were we informed of the city zoning restriction violation. We called First Colony and they stated they had heard of some new zoning restrictions but that they do not get involved with that.

Believe me when we say we have considered every option to remedy our safety concerns, even as far as looking at other homes for sale, but we love our current house and neighbors and are very eager to put in our swimming pool and addition for the added safety. We would very much appreciate your careful consideration of our request, as we feel it would not be a detriment to the neighborhood or to the City of Sugar Land, a place we have called home for the last 15 years. If you have any additional questions, please do not hesitate to contact us. Thank you again.

Bill and Robin Jordan
3607 Alcorn Bend Drive
Sugar Land, Texas 77479
281-265-0593

NOTICE OF PUBLIC HEARING

REQUEST FOR A SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT IN THE RESTRICTED SINGLE-FAMILY (R-1R) RESIDENTIAL DISTRICT AT 3607 ALCORN BEND DR

NOTICE OF PUBLIC HEARING REGARDING A REQUEST FOR A SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENTS IN THE RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT AT 3607 ALCORN BEND DR, MORE SPECIFICALLY DESCRIBED AS LOT 8, BLOCK 4, ALCORN BEND SECTION 2 SUBDIVISION, PLATTED AS INSTRUMENT NUMBER 9255547, IN SLIDE NUMBER 1206B AND 1207A, IN THE FORT BEND COUNTY PLAT RECORDS.

PURPOSE: One (1) public hearing shall be held at which all persons interested in the proposed Special Exception request shall be given an opportunity to be heard.

WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
CITY HALL
2700 TOWN CENTER BOULEVARD NORTH
SUGAR LAND, TEXAS

WHEN: CITY OF SUGAR LAND
ZONING BOARD OF ADJUSTMENT
5:00 P.M., APRIL 30, 2008

DETAILS OF THE PROPOSED SPECIAL EXCEPTION MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED AT CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.